

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Lafayette W. Knotts, #275052,	)	
a/k/a Lafayette Westly Knotts,	)	C/A No. 6:08-0814-MBS
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	<b>ORDER</b>
South Carolina Department of Corrections,	)	
et al.,	)	
	)	
Defendants.	)	
_____	)	

Plaintiff Lafayette W. Knotts is an inmate in custody of the South Carolina Department of Corrections. He currently is housed at the Evans Correctional Institution in Bennettsville, South Carolina. Plaintiff, proceeding pro se, filed the within complaint on March 11, 2008 pursuant to 42 U.S.C. § 1983, asserting that his constitutional rights had been violated in various respects.

This matter is before the court on motion for summary judgment filed by Defendants on August 17, 2009. By order filed August 18, 2009, pursuant to Roseboro v. Garrison, 528 F.2d 309 (4<sup>th</sup> Cir. 1975), Plaintiff was advised of the summary judgment procedures and the possible consequences if he failed to respond adequately. Plaintiff filed no response in opposition to Defendants' motion. On September 24, 2009, Plaintiff was given until October 19, 2009 to file a response to Defendants' motion for summary judgment. Plaintiff was advised that if he failed to respond, this action would be subject to dismissal for failure to prosecute pursuant to Fed. R. Civ. P. 41(b). Despite this warning, Plaintiff elected not to respond.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge William M. Catoe for pretrial handling. On November 19, 2009, the Magistrate Judge issued a Report and Recommendation in which he noted that Plaintiff had failed

to respond Defendants' motion for summary judgment. Accordingly, the Magistrate Judge recommended that the within action be dismissed pursuant to Rule 41(b) for failure to prosecute. Plaintiff filed no objection to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The court adopts the Report and Recommendation and incorporates it herein by reference. The within action is dismissed *with prejudice* pursuant to Rule 41(b) for failure to prosecute.

**IT IS SO ORDERED.**

/s/ Margaret B. Seymour  
United States District Judge

Columbia, South Carolina  
December 10, 2009

**NOTICE OF RIGHT TO APPEAL**

**Plaintiff is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.**